

**REMARKS**

Claims 1-17 are pending in this application. Claims 1, 3 and 9 are independent. In light of the amendments and remarks included herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-4, 7-9, 13, 14, 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Kiyokawa* (USP 6,204,877) in view of *Katsuhiro* (Ina) (JP 04098996) and further in view of *Pine* (USP 6,714,877); rejected claims 6, 10 and 12 under 35 U.S.C. §103(a) as being unpatentable over *Kiyokawa* in view of *Katsuhrio* and *Pine* and further in view of *Yokota et al.* (USP 5,847,662); rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over *Kiyokawa* in view of *Katsuhiro* and *Pine* and further in view of *Yoshizawa et al.* (USP 4,802,201); and rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over *Kiyokawa* in view of *Katsuhiro*, *Pine*, *Yokota et al.*, and further in view of *Anderson* (USP 6,233,016). Applicant respectfully traverses these rejections.

Applicant wishes to thank the Examiner for indicating that claim 15 includes allowable subject matter.

**Examiner Interview**

Applicant wishes to thank the Examiner for the Interview conducted on August 30, 2006. During the Interview, the parties agreed that if claim 1 was amended to recite "... the controller causes the carrier generating section, which is transmitting the at least image or audio information, to pause..." and claims 3 and 9 were similarly amended, the rejections would be overcome.

By this amendment, Applicant has amended the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

Based upon the amendments made herein, and the agreement that was reached during the Interview, it is respectfully requested that the outstanding rejection be withdrawn.

### **Improper Finality of Official Action**

In the outstanding Official Action, the Examiner asserted a new ground of rejection for claim 9. As Applicant did not amend this claim, the new ground of rejection was not necessitated by Applicant's amendment. As such, the Examiner's assertion of finality of the outstanding Official Action is improper. It is respectfully requested that the finality of the outstanding Official Action be withdrawn. It is further respectfully requested that the Examiner properly consider the amendments made herein, as the outstanding Official Action should have been non-final.

### **Conclusion**

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet, Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 09/678,333  
Amendment dated September 5, 2006  
After Final Office Action of June 5, 2006

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By   
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